

**FLYNN & WIETZKE, P.C.**

1205 Franklin Avenue  
Garden City, N.Y. 11530  
Tel: (516) 877-1234 Fax: (516) 877-1177

Marc Wietzke, Esq.  
Admitted in NY & NJ

Sean Constable, Esq.  
Admitted in NY & MA

In light of Defendant's consent to adjourning briefing of its motion for summary judgment, Defendant's motion for summary judgment is **DENIED**, without prejudice to renewal. The parties shall propose a briefing schedule for a renewed motion for summary judgment in the status letter due within seven days of mediation or by September 6, 2024, whichever is sooner. So Ordered.

June 28, 2024

The Clerk of Court is respectfully directed to close the motion at ECF No. 30.

Hon. Dale E. Ho  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007



Dale E. Ho  
United States District Judge  
Dated: June 28, 2024  
New York, New York

RE: JASON RACIOPPO V. LONG ISLAND RAILROAD COMPANY  
23 Civ. 2784 (DH)(GS)

Dear Judge Ho:

We are plaintiff's counsel in the above-entitled case and are writing to update the Court on the settlement conference status and to respectfully request an adjournment of defendant's motion for summary judgment.

A settlement conference before Magistrate Stein is scheduled for Thursday August 8, 2024. The parties are hopeful that they will be able to resolve the case at that time.

As the Court is aware, defendant has filed a motion for summary judgment. Defendant has agreed adjourn the motion until after the settlement conference. The parties respectfully request the following briefing schedule:

Plaintiff's opposition due September 20, 2024  
Defendant's reply due October 4, 2024

The parties thank the Court for its consideration of this request.

Respectfully submitted,



Sean Constable

SC:EF

cc: Ronald Rizzo, Esq.